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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,909	01/22/2007	Arnt Helge Fidjeland	2006_0769A	6930

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WENDEROTH, LIND & PONACK, L.L.P.
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EXAMINER

PARVEZ, AZM A

ART UNIT	PAPER NUMBER
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3729

NOTIFICATION DATE	DELIVERY MODE
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07/21/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/579,909	FIDJELAND, ARNT HELGE	
	Examiner	Art Unit	
	AZM PARVEZ	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 14-15 are rejected under 35 U.S.C.102(e) as being anticipated by Gagne et al., US 2004/0211663.

3. Regarding claims 14-15 , Gagne et al disclose;

Equipment for positioning when replacing anodes in an electrolysis cell of Hall-Hérault type with prebaked anodes (see Gagne et al abstract; line 1-2) , **the equipment comprising a crane with an anode gripper** (see Gagne et al Fig 3; 43,44) **is used to lift out used anodes** (see Gagne et al Fig 4A; 21) **and to insert new anodes** (see Gagne et al Fig 4B; 11), **the anode gripper** (see Gagne et al Fig 3; 43,44) **acts in a predetermined, fixed point in the hanger of the anodes, and in**

which a new anode is inserted at a height in accordance with a calculated height (see Gagne et al ¶ 39; line 1- 4) based on the height of the anode removed, the height of the anode removed and the height of the new anode being measured against a common reference level (see Gagne et al Fig 6 and 7; 60a), wherein a laser-based measuring apparatus (see Gagne et al ¶ 39; line 6) for length measurements is arranged between a point on the crane, which is stationary in terms of height during the operation, and a point on the anode gripper, which moves together with the anode, and the measuring apparatus is operable to measure the heights stated and transfer the data signals to a PLC (see Gagne et al Fig 3; 48), which process measured , saved values and determines the insertion height of the new anode in accordance with a specific algorithm (see Gagne et al ¶ 39; line 1- 4); and

the laser-based measuring apparatus (see Gagne et al ¶ 39; line 6) is mounted on the crane, the laser-based measuring apparatus including a laser cell, which is operable to emit a substantially vertical laser light (see Gagne et al Fig 3; 46; examiner interpret ' substantially' as not fully vertical) and detect reflected laser light.

Allowable Subject Matter

4. Claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 24 Jun , 2011 have been fully considered but they are not persuasive. The synonyms of **Substantially** are *considerably, essentially, extensively, heavily, in essence, in fact, in reality, in substance, in the main, largely, mainly, materially, much, really*. So examiner interpret that the laser is not fully vertical only considerably vertical.

6. Claim 21 is missing from the latest claim set. It is assumed that claim 21 was just omitted from the amended claim set, per arguments submitted on 6/24/01.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZM PARVEZ whose telephone number is (571)270-1391. The examiner can normally be reached on 8:30-5:30 / Alt Fri day off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DERRIS BANKS can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AZM PARVEZ
Examiner
Art Unit 3729

/Derris H Banks/

Supervisory Patent Examiner, Art Unit 3729